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October 8, 2002

CAD Bulletin No. 2002-06  
TO: All Electric, Gas, and Water Utilities; Eligible Telecommunications Carriers  
(ILECs)  
FROM: Derek D. Davidson, Director of the Consumer Assistance Division  
SUBJECT: Disconnection Date Stated on Disconnection Notices

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In an Order issued on September 25, 2002 in Docket No. 2002-248, the Commission instructed the Director the Consumer Assistance Division (CAD) to issue a Bulletin that instructs utilities how to calculate the disconnection date stated on disconnection notices.

Chapter 81, § 9(B) requires a utility to provide written notice of its intent to disconnect a residential customer at least 14 calendar days **BEFORE** the stated disconnection date for circumstances described in § 7(A) of Chapter 81. This means that utilities must include a minimum of 14 days prior to the disconnection date stated in the notice, resulting in the 15<sup>th</sup> day being the earliest date that can be stated in a disconnection notice.

To calculate the disconnection date, begin the day after the notice is mailed<sup>1</sup> and count fifteen days therefrom to establish the disconnection date. Following this process, the earliest disconnection date that can be provided in a notice is the 15<sup>th</sup> day after the mail date of the notice. For example, the earliest disconnection date that could be stated on a notice mailed the 1<sup>st</sup> of the month would be the 16<sup>th</sup> of the month. This assumes that the 16<sup>th</sup> does not fall on a Friday, weekend, holiday, day before a holiday, or a day that the utility's office is not open for public business.<sup>2</sup> If the 15<sup>th</sup> day falls on one of these days, the disconnection date stated on the notice must be extended to the next business day.

Chapter 86, § 4 requires a utility to provide written notice of its intent to disconnect a business customer at least seven days prior to the actual disconnection date. The procedure for calculating the disconnection date is the same as for residential customers, with the exception that there is no limitation regarding what day the disconnection date may fall (disconnections can occur on a Friday, weekend, holiday, etc.).

<sup>1</sup> The day after the notice is mailed is the first day that the customer could possibly receive the notice. It is assumed that the notice is mailed the same day that it is dated.

<sup>2</sup> Chapter 81, § (9)(E) prohibits the disconnection date to be a Friday, weekend, holiday, day before a holiday, or a day that the utility's office is not open for public business.

For three-day notices issued pursuant to Chapter 81, § 9(C) and Chapter 86 § 4(C), a utility must provide written notice of its intent to disconnect a customer at least three **business** days before the stated disconnection date. To calculate the disconnection date, begin the day after the notice is mailed<sup>3</sup> and count four business days therefrom to establish the disconnection date. With three-day notices, holidays and weekends and any other day the utility is not open for business cannot be counted towards the three-day period. Following this process, the earliest disconnection date that may be stated on a notice is the fourth day after the mail date of the notice. For example, if a three-day notice were mailed on the 1<sup>st</sup> of the month, the earliest disconnection date would be the 5<sup>th</sup> of the month. If a holiday or a weekend falls within the three-day period, the disconnection date must be extended to the next date where at least three-business days have passed since the mail date of the notice. For example, if a three-day notice is mailed on Thursday the 1<sup>st</sup>, and Friday is a holiday, the earliest disconnection date the notice can contain would be Thursday the 8<sup>th</sup>.

In addition, Chapter 81 § (9)(D) requires that 5 calendar days be added to notices to residential customers that are mailed from a location outside the State of Maine AND that require payment to be mailed to a location outside of the State of Maine. This results in the earliest disconnection date being the 20<sup>th</sup> day after the mail date of the disconnection notice. Again, if the 20<sup>th</sup> day falls on a Friday, weekend, holiday, day before a holiday, or any other day that the utility is not open for business, the disconnection date must be extended to the next business day.

If you have any questions concerning this matter, please contact Betty Bero, Senior Consumer Assistance Specialist, (207) 287-1399.

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<sup>3</sup> This is the first day that the customer could possibly receive the notice.